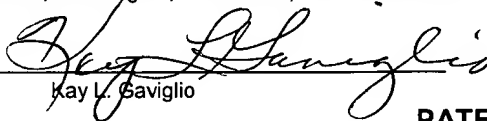


CERTIFICATE OF MAILING

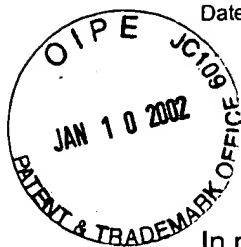
I hereby certify that this correspondence is being deposited with the US Postal Service with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231, on the date shown below.

Date: November 16 2001

By:


Kay L. Saviglio

PATENT
Docket No. GC372



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

Timothy Fowler et al.,)

Group Art Unit: Unassigned

Serial No.: 08/876,132)

Examiner: Unassigned

Filed: June 23, 1997)

For: Improved *Enterobacteriaceae*)
Fermentation Strains)

PETITION TO REVIVE PURSUANT TO 37 CFR 1.137(b)
AND FEE AUTHORIZATION

Attention: Office of Petitions
John Gillan
Commissioner for Patents
BOX DAC
Washington, D.C. 20231

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02/07/2002 AKELLEY 00000012 071048 08876132

01 FC:105 S130.00 CH
02 FC:122 130.00 CH

Applicants respectfully petition the Commissioner to revive the above-captioned application which was unintentionally abandoned by Applicants' failure to properly and timely respond to the outstanding Notice to File Missing Parts dated September 5, 1997. The date of abandonment is the day after the expiration date of the period set for reply in the Missing Parts.

Applicants unintentionally failed to respond to the Notice to File Missing Parts. Applicants previously believed that the Patent & Trademark Office sent the Notice to Applicants' old business address and as a consequence filed a Request to Withdraw the Holding of Abandonment on more than one occasion. However, Applicants recently became aware of the fact while the transmittal letter for the patent application included the current business address for the attorney of record, the unsigned Declaration filed

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with the application indicated that all communications should be sent to the old business address.

The Notice to File Missing Parts indicated that a signature was missing on the Declaration and while Applicants did submit, on August 24, 1998, a combined Declaration and Power of Attorney signed by the inventors, Applicants have herein submitted a newly executed Declaration and Power of Attorney.

Since the above-referenced patent application was filed after June 8, 1995 a terminal disclaimer is not required.

Applicants herein state the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

The Commissioner is authorized to charge the fee necessitated by this petition and any additional fees necessitated by this filing to Applicants' Deposit Account No. 07-1048 (Docket No. GC372). This paper is submitted in triplicate.

Consideration of this petition and reinstatement of the pendency of this application is respectfully requested.

Respectfully submitted,



Richard T. Ito
Registration No. 32,242

Date: November 16, 2001

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925 Page Mill Road
Palo Alto, CA 94304
Tel: 650-846-4020
Fax: 650-845-6504

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